

ELECTION OF SPECIES

Applicants hereby elect without traverse species C directed to Figure 3, which corresponds to Claims 1, 4-7 and 12-22. Claims 1, 12-18, 21 and 22 are believed to be generic.

REMARKS

Reconsideration of the issues raised in the above referenced Office Action is respectfully solicited.

There is no indication that the originally filed drawings have been approved. Applicants request an indication that the drawings have been approved in the next Office Action.

Applicants also note that the Information Disclosure Statement filed September 26, 2003 has not been considered. Applicants respectfully request that the references listed on Form PTO-1449 provided with the Information Disclosure Statement are officially made of record in the next Office Action.

The amendments to the claims merely address minor informalities therein.

Applicants acknowledge the Examiner's indication that each drawing Figure represents a separate species. However, Applicants point out that Figure 5 shows an operating means 23E utilized in a particular environment of the rear of a car trunk having a roller box and a cover 12 that receives end rod 13E. The specification does not discuss the operating means 23E in detail. Thus, each of the operating means illustrated in Figures 1-4 may be utilized as the operating means 23 for the locking device illustrated in Figure 5.

Applicants appreciate the Examiner's conclusion that Claims 1, 14-17, 21 and 22 are generic.

The Office Action indicates that Claims 12, 13 and 18 do not correspond to any of the disclosed species. These claims are believed generic to all species for the following reasons.

Amended Claim 13 recites a locking device for a vehicle trunk having a tailgate and a release device. Amended Claim 12, which now depends from Claim 13, recites that the release device comprises a sensor or a switch.

Paragraph [048] of Applicants' specification discloses a sensor for recording/detecting an opening of the tailgate. In response to the detected signal, the operating means can automatically move the cover for a trunk. Therefore, the subject matter of amended Claims 12 and 13 is clearly disclosed in the specification.

Claim 18 recites that the projection holds the cover in both directions along the guide and prevents movement. Non-elected species A and B, corresponding to Figures 1 and 2, show a projection that prevents movement in both directions along a guide. Thus, Claim 18 is believed readable on the non-elected species.

Applicants respectfully request allowance of the elected claims, and rejoinder and allowance of the non-elected claims that depend from generic Claim 1.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



Brian R. Tumm

BRT/ad

FLYNN, THIEL, BOUTELL & TANIS, P.C. 2026 Rambling Road Kalamazoo, MI 49008-1631 Phone: (269) 381-1156 Fax: (269) 381-5465	Dale H. Thiel David G. Boutell Ronald J. Tanis Terryence F. Chapman Mark L. Maki Liane L. Churney Brian R. Tumm Steven R. Thiel Sidney B. Williams, Jr.	Reg. No. 24 323 Reg. No. 25 072 Reg. No. 22 724 Reg. No. 32 549 Reg. No. 36 589 Reg. No. 40 694 Reg. No. 36 328 Reg. No. 53 685 Reg. No. 24 949
--	---	---

Encl: Postal Card

136.05/04